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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,910	08/08/2001	James R. Charlton	00,283	2863

32423 7590 01/27/2005

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EXAMINER

CHEN, PO WEI

ART UNIT PAPER NUMBER

2676

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

11/14

<b>Office Action Summary</b>	<b>Application No.</b> 09/924,910	<b>Applicant(s)</b> CHARLTON ET AL.	
	<b>Examiner</b> Po-Wei (Dennis) Chen	<b>Art Unit</b> 2676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

In response to an Amendment received on August 26, 2004. This action is final.

Claims 1-23 are pending in this application. Claims 1, 11 and 18 are independent claims.

The present title of the invention is "Graphic Display of Network Performance Information".

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin et al. (US 6,456,306; refer to as Chin herein) in view of Kosaka (US 20010056486).  
Regarding claim 1, Chin discloses a method for displaying health status of network devices comprising:

A graphic process for substantially simultaneously displaying on a computer display device variations in a plurality of communication network functions (Fig. 8; while claim recites communication network functions, the term is broad enough to include the network functions such as routers and switches in a LAN network environment);

(a) providing access to a plurality of communication network functions, each network function having a data value within a range of data values (lines 1-53 of column 8 and lines 6-39 of column 10 and Table 2 and Fig. 1 and 8; each network function has a severity level corresponds to data value within a range from 0 to 10)

(b) dividing a display area into a plurality of display divisions (Fig. 8);

- (c) assigning each display division to a respective network function (Fig. 8);
- (d) scaling a variable graphic quality of each display division to said range of data values of said network function associated with said display division (lines 1-53 of column 8 and Table 2);
- (e) accessing each of said network functions to retrieve a respective current data value (lines 1-53 of column 8 and lines 6-39 of column 10 and Table 2 and Fig. 1 and 8; each network function can be checked to retrieve a severity level corresponds to data value);
- (f) displaying for each display division a respective variation of said graphic quality which corresponds to said current data value of the network function associated with said display division (lines 1-53 of column 8 and lines 6-39 of column 10 and Table 2 and Fig. 1 and 8).

Chin does not disclose (e) without user interaction, periodically accessing each of said network functions. Kosaka discloses a network monitoring method utilizing the method (PP 0022, 0030 and 0086). It would have been obvious to one of ordinary skill in the art to substitute the method of accessing network device of Kosaka for the method of accessing network device of Chin because Kosaka teaches that by utilizing the method of accessing network device will provide accuracy when obtaining results of monitoring devices on a network such as one disclosed by Chin (PP 0015, Kosaka).

3. Regarding claims 2-3, Chin discloses a method for displaying health status of network devices comprising:

Scaling a variable graphic quality; (a) scaling a shade value to said range of data values; scaling a variable graphic quality; (a) scaling a range of colors to said range of data values (Table 2).

Art Unit: 2676

4. Regarding claims 6 and 7, Chin discloses a method for displaying health status of network devices comprising:

(a) linking at least one of said display divisions to additional information associated with said network function associated therewith; (b) displaying said additional information in response to graphic selection of said display division (lines 26-54 of column 10 and Fig. 8).

(a) linking at least one of said display divisions to graphically encoded information associated with said network function associated therewith; (b) displaying said graphically encoded information in response to graphic selection of said display division (lines 26-54 of column 8 and Fig. 8).

5. Regarding claim 9, Chin discloses a method for displaying health status of network devices comprising:

Variable graphic quality varies in discrete steps; (a) displaying for each display division a respective step variation of said graphic quality which corresponds to said current data value of the network function associated with said display division (lines 1-53 of column 8 and Fig. 8; each severity level varies in discrete steps and the graphic quality such as colors varies accordingly for each network device displaying).

6. Regarding claim 10, Chin discloses a method for displaying health status of network devices comprising:

(a) displaying human readable indicia on at least one of said display divisions to thereby identify a network function associated with said one display division (Fig. 8).

Regarding claim 11, as statements presented, above, with respect to claims 1 and 3 are incorporated herein. Also, it is noted that Planas disclose (b) dividing a rectangular display area

Art Unit: 2676

into a plurality of display divisions (see lines 9-13 of column 6 and lines 26-28 of column 19 and Fig. 2d);

7. Regarding claims 13, 14 and 16, as statements presented above, with respect to claims 6, 7 and 10 are incorporated herein.

8. Claims 4, 5, 8, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin et al. (US 6,456,306; refer to as Chin herein) and Kosaka (US 20010056486) as applied to claims 1 and 11 above, and further in view of Baker et al. (US 5,581,797; refer to as Baker herein).

9. Regarding claim 4, the combination of Chin and Kosaka does not disclose scaling a variable graphic quality; (a) scaling a size of a display division to said range of data values. Baker teaches a method for displaying hierarchical information of a large software system utilizing the method (see lines 51-55 of column 5). It would have been obvious to one of ordinary skill in the art at the time of invention to utilize the teaching of Baker, to scale the display division to represent data values in a data displaying system to provide user a greater understanding of the system through visualization (lines 12-16 of abstract, Baker). Also, Baker discloses that the visualization method could be used other large systems (lines 18-20 of column 8).

10. Regarding claim 5, Chin discloses a method for displaying health status of network devices comprising:

At least one of said network functions includes a data set of a plurality of data members, each data member having a corresponding data member value within said range of data values (lines 1-53 of column 8 and lines 26-39 of column 10 and Table 2 and Fig. 8; network function

Art Unit: 2676

such as router has multiple individual routers with corresponding severity value indicating status);

(c) periodically accessing said at least one of said network functions to retrieve a respective current data member value of each of said plurality of data member (lines 1-53 of column 8 and lines 6-39 of column 10 and Table 2 and Fig. 1 and 8; each network function and its individual member can be checked to retrieve a severity level corresponds to data value).

Chin does not disclose periodically accessing said at least one of said network functions. However, this is known in the art taught by Kosaka, statements presented above, with respect to claim 1 are incorporated herein.

The combination of Chin and Kosaka does not disclose (a) dividing said display division associated with said at least one of said functions into a plurality of display subdivisions equal to said plurality of data members of said data set; (b) assigning each of said display subdivisions to a respective one of said plurality of data members; (d) displaying for each display subdivision a respective variation of said graphic quality which corresponds to a current data member value of the data member associated with said display subdivision. Baker teaches a method for displaying hierarchical information of a large software system utilizing the function (lines 30-55 of column 6 and Fig. 5). It would have been obvious to one of ordinary skill in the art at the time of invention to utilize the teaching of Baker to provide user an easy way to make visual comparisons between different data values in a system (lines 54-55 of column 6, Baker). Also, Baker discloses that the visualization method could be used other large systems (lines 18-20 of column 8).

11. Regarding claim 8, Chin discloses a method for displaying health status of network devices comprising:

(a) linking at least one of said display divisions to additional information associated with said network function associated therewith (lines 26-54 of column 10 and Fig. 8).

The combination of Chin and Kosaka does not disclose (b) displaying said additional information in response to placement of a graphic cursor within said display division. Baker teaches a method for displaying hierarchical information of a large software system that utilizing the method (lines 57-61 of column 6 and Fig. 1 and 4). It would have been obvious to one of ordinary skill in the art at the time of invention to utilize the teaching of Baker, to display additional information in response to placement of a graphic cursor in a data displaying system



Art Unit: 2676

to provide user an easy way for greater understanding of the system through visualization (lines 12-16 of abstract, Baker). Also, Baker discloses that the visualization method could be used other large systems (lines 18-20 of column 8).

12. Regarding claim 12, as statements presented above, with respect to claim 3 and 5 are incorporated herein.

13. Regarding claim 15, as statements presented above, with respect to claim 8 are incorporated herein.

14. Regarding claim 17, as statements presented above, with respect to claim 4 are incorporated herein.

15. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin et al. (US 6,456,306; refer to as Chin herein) in view of Kosaka (US 20010056486) and Baker et al. (US 5,581,797; refer to as Baker herein).

16. Regarding claim 18, as statements presented above, with respect to claims 1, 3 and 5 are incorporated herein.

17. Regarding claim 19, as statements presented above, with respect to claims 5 and 6 are incorporated herein. Also, it is noted that Baker further disclose additional information such as shading corresponding to its data values for each subdivision (Fig. 5).

18. Regarding claims 20-21, as statements presented above, with respect to claims 7-8 are incorporated herein.

19. Regarding claims 22-23, as statements presented above, with respect to claim 4 are incorporated herein. Also see lines 30-55 of column 6 and Fig. 5 of Baker.

***Response to Arguments***

20. Applicant's arguments filed August 26, 2004 have been fully considered but they are not persuasive.

21. In response to applicant's argument that the combination of references Chin and Kosaka would "render Chin unsatisfactory for its purposes and the proposed modification would change the principle of operation of Chin", because Chin relies on a human being to acknowledge status changes of network devices. However, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Chin discloses a method for displaying health status of network devices by user operations (lines 1-53 of column 8 and lines 6-39 of column 10). Kosaka discloses a network monitoring method utilizing the method of (e) without user interaction, periodically accessing each of said network functions (PP 0022, 0030 and 0086). Both Chin and Kosaka disclose using a displaying device for displaying network status. And it would have been obvious to one of ordinary skill in the art to substitute the method of accessing network device of Kosaka for the method of accessing network device of Chin because Kosaka teaches that by utilizing the method of accessing network device will provide accuracy when obtaining results of monitoring devices on a network such as one disclosed by Chin (PP 0015, Kosaka). Also, by utilizing the teaching of Kosaka will allow the monitoring device of Chin to operate with efficiency since data and status are collected without users to achieve the objective of Chin, to manage network by determine devices' status.

Art Unit: 2676

In response to applicant's argument that Baker is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, while Baker is directed to a method of displaying information of a software system instead of hardware system disclosed by Chin and Kosaka, all are directed to a method of displaying information utilizing visualization aim to provide users a better understanding of a system. And by utilize the teaching of Baker, to display additional information in response to placement of a graphic cursor in a data displaying system such as ones disclosed by Chin and Kosaka to provide user an easy way for greater understanding of the system through visualization (lines 12-16 of abstract, Baker). Also, Baker discloses that the visualization method could be used other large systems (lines 18-20 of column 8).

### ***Conclusion***

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2676

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Po-Wei (Dennis) Chen whose telephone number is (703) 305-8365. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C Bella can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Po-Wei (Dennis) Chen  
Examiner  
Art Unit 2676

Po-Wei (Dennis) Chen  
January 18, 2005



MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
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